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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
8 **SAN JOSE DIVISION**
9

10 Robert Lee SMITH, JR.,

11 Petitioner,

12 v.

13 Michael MARTEL,
14 Acting Warden of San Quentin State Prison,

15 Respondent.

Case Number CV 11-3062 EJD

DEATH-PENALTY CASE

ORDER SCHEDULING CASE
MANAGEMENT CONFERENCE

16 On September 28, 2011, the Court appointed counsel for Petitioner in this capital habeas
17 action. Good cause appearing therefor, the Court enters this initial Case-Management Order.
18 Habeas L.R. 2254-26.

19 Within forty-five days from the date of this Order, the parties shall meet and confer to
20 prepare, and shall file, a joint case-management statement and proposed order. In the statement,
21 the parties shall discuss their preliminary views of anticipated proceedings in the present action.
22 The statement shall include a proposed schedule for briefing any motion for equitable tolling of
23 the statute of limitations, and proposed schedules for briefing any other motions that must be
24 addressed prior to the filing of a finalized petition in the event that equitable tolling is granted.
25 Unless otherwise ordered, such motions will be decided on the papers.

26 IT IS SO ORDERED.

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28 DATED: ____1/23/12____



EDWARD J. DAVILA
United States District Judge